

THE HON. BENJAMIN H. SETTLE

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

UNITED STATES OF AMERICA,)	No. CR21-5222-BHS
)	
Plaintiff,)	CODY BENSON'S PROPOSED JURY
)	INSTRUCTIONS
v.)	
)	
CODY BENSON,)	
)	
Defendant.)	

Instruction ____

Cody Benson is charged in the indictment with wire fraud in violation of Section 1343 of Title 18 of the United States Code. For her to be found guilty of that charge, the government must prove each of the following elements beyond a reasonable doubt:

First, Ms. Benson knowingly devised a scheme or plan to defraud for the purpose of obtaining money or property by means of false or fraudulent pretenses, representations, or promises;

Second, the statements made as part of the scheme were material; that is, they had a natural tendency to influence a person to part with money or property;

The term "money or property," used in elements one and two, does not include maintaining employment or a salary and related compensation for employment.

Third, Ms. Benson acted with the intent to defraud, that is, the intent to deceive and cheat; and

Fourth, Ms. Benson used, or caused to be used, an interstate or foreign wire communication to carry out or attempt to carry out an essential part of the scheme.

1 In determining whether a scheme to defraud exists, you may consider not only
2 the defendant's words and statements but also the circumstances in which they are used
3 as a whole.

4 A wiring is caused when one knows that a wire will be used in the ordinary
5 course of business or when one can reasonably foresee such use.

6 It must have been reasonably foreseeable to Ms. Benson that some wire
7 communication would occur in furtherance of the scheme, and an interstate or foreign
8 wire communication must have actually occurred in furtherance of the scheme.

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10 Source: Model Instruction 15.35 (modified); *Skilling v. United States*, 561 U.S. 358
11 (2010); *United States v. Yates*, 16 F.4th 256 (9th Cir. 2021).

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13 DATED this 22nd day of December, 2023.

14 Respectfully submitted,

15 s/ *Colin Fieman*

16 s/ *Mukund Rath*

17 Attorneys for Cody Benson
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